

## Article - Environment

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§5–1001.

(a) (1) In this section the following words have the meanings indicated.

(2) “Recycle” means to prepare used oil for reuse as a petroleum product or petroleum product substitute by refining, re-refining, reclaiming, reprocessing, or other means or to use used oil in a manner that substitutes for a petroleum product or petroleum product substitute made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all laws and regulations.

(3) “Used oil” means a petroleum-based or synthetic oil as an engine lubricant, engine oil, motor oil, or lubricating oil for use in an internal combustion engine, or a lubricant for motor vehicle transmissions, gears, or axles which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

(b) This section shall be known and may be cited as the Maryland Used Oil Recycling Act.

(c) The legislature finds that a substantial number of gallons of used oil is generated each year in the State. Used oil is a valuable petroleum resource which can be recycled. In spite of the potential for recycling, significant quantities of used oil are wastefully disposed of or improperly used by means which pollute the water, land, and air and endanger public health and welfare. Used oil should be collected and recycled to the maximum extent possible, by means which are economically feasible and environmentally sound, in order to conserve irreplaceable petroleum resources, preserve and enhance the quality of natural and human environments, and protect public health and welfare.

(d) The Department shall conduct a public education program to inform the public of the needs for and the benefits of collecting and recycling used oil in order to conserve resources and preserve the environment. As part of this program, the Department shall:

(1) Require persons regularly engaged in the business of selling lubricating or other oil in containers for use off the premises to post and maintain at or near the point of display or sale durable and legible signs, which the Department shall pay for and provide to the person, informing the public of:

and (i) The importance of proper collection and disposal of used oil;

(ii) The locations and hours of operation of government operated used oil collection facilities in the surrounding area;

(2) Advertise and inform the public of the law that prohibits a person from discharging, dumping, or depositing used oil into sewers, drainage systems, surface or ground waters, and any other waters of the State or by incineration or as refuse or onto any public or private land that is not a designated collection facility, as provided under subsection (f) of this section;

(3) Establish, maintain, and publicize a used oil information center that will explain local, State, and federal laws and regulations governing used oil and will inform holders of quantities of used oil on how and where and in what manner used oil may be properly disposed of;

(4) Encourage the establishment of used oil collection and recycling programs and provide technical assistance to persons organizing these programs; and

(5) Encourage the use of labeling for oil containers to inform the user of the importance of proper collection and disposal of used oil.

(e) The Department may designate Maryland State inspection facilities and may designate any other facilities the Department deems appropriate which are safe and conveniently located and which agree to serve as collection facilities for the deposit of used oil. There is no cost to a person making the deposit. Each designated facility shall post and maintain a durable and legible sign readily visible in an appropriate place which indicates the facility is designated as a used oil disposal location. The designated facility shall install and maintain on the premises used oil collection containers, properly sheltered and protected to prevent spillage, seepage, or discharge of the used oil into the water of the State, and of sufficient size to handle returns of used oil and used oil containers. Each designated facility regularly shall remove and dispose or have removed and disposed by used oil collectors the accumulated oil in a manner as required by law.

(f) (1) Except as provided under Title 7, Subtitle 2 of this article or any other provisions of law, after January 1, 1979 a person may not dispose of or cause to be disposed of any used oil by discharge, dump, or deposit into sewers, drainage systems, surface or ground waters, any waters in this State, or by incineration or as refuse, or onto any public or private land unless the land is designated by the State or by any of its agencies or political subdivisions as a collection facility for the disposal, dumping, or deposit and the used oil is placed in a receptacle or container installed or located on the property.

(2) Before the deposit of any used oil for recycling, a person may not knowingly or willfully contaminate the oil by adding any liquid substance or solid material to the contents of the oil that makes the oil unacceptable for recycling.

(3) The provisions of this subsection do not include:

(i) The application of used oil to roads for maintenance purposes as authorized by law;

(ii) The use of used oil as a fuel; or

(iii) The use of used or recycled oil for maintenance or lubrication of agricultural equipment.

(g) Subject to § 2–1246 of the State Government Article, the Department shall prepare and submit an annual report to the General Assembly that:

(1) Summarizes information on used oil collection and recycling;

(2) Analyzes the effectiveness of this subtitle's provisions and their implementation; and

(3) Makes recommendations for any necessary changes in the provisions or their administration.

(h) (1) A person may represent any product made in whole or in part from used oil to be substantially equivalent to a product made from new oil for a particular end use if the product conforms fully with the specifications applicable to that product made from new oil or if substantial equivalency has been determined in accordance with rules prescribed by the Federal Trade Commission under § 383(d)(1)(a) of the Energy Policy and Conservation Act, P.L. 94–163. Otherwise, the product must be represented as made from previously used oil.

(2) All officials of the State and any of its agencies or of any political subdivisions and persons holding contracts with the State or any of its political subdivisions shall encourage and to the extent possible require the procurement and purchase of recycled oil products represented as substantially equivalent to products made from new oil in accordance with this section whenever the products are available at prices competitive with those of new oil produced for the same purpose.

(i) (1) Any person who violates any provision of this section or any regulation issued pursuant to this section, in addition to any other penalties

specifically provided by law, shall be subject to a civil penalty not exceeding \$250 for each violation.

(2) Any person who commits a second or subsequent violation of any provision of this section or any regulation issued pursuant to this section, in addition to any other penalties specifically provided by law, is guilty of a misdemeanor and upon conviction in a court of competent jurisdiction, is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 2 months, or both, with cost imposed in the discretion of the court.

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